

## MINUTES OF BENTON COUNTY QUORUM COURT

**January 26, 2012**

A regular meeting of the Benton County Quorum Court was held on Thursday, January 26, 2012 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Robert D. Clinard called the meeting to order.

Deputy Clerk Janet Reaves called roll as follows:

12 JPs Present: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins, Jones,  
Blaty, Curry, Carr, Moore  
1 JP Absent: \*Douglas

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Pastor Roger Joslin, of All Saint's Episcopal Church led the prayer.

### **CHANGES TO THE AGENDA:**

None

JP Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Carr.

Motion passed by unanimous voice vote.

\*JP Douglas entered the room.

### **MINUTES:**

JP Hawkins made motion to approve the minutes of the December 20, 2011 Quorum Court meeting as distributed, seconded by JP J. Harrison.

Motion passed by unanimous voice vote.

### **ELECTED OFFICIALS' REPORTS:**

Sheriff Keith Ferguson presented the Sheriff's Department's annual report for 2011. He reported that; 1) the number of call reports for 2011 was 17,124 a 10.6% increase from the previous year; 2) the Criminal Investigations Division (CID) worked a total of 1,456 cases and made 332 arrests in 2011; 3) the Narcotics Division, which is a separate division, opened 225 cases, made 110 felony arrests, and 14 misdemeanor arrests in 2011; 4) the Detention Division, 10,215 prisoners were jailed in 2011; 5) the inmate meal costs for 2011 were \$426,013 and medical costs was \$330,801; 6) there is a 68% return rate of repeat offenders that are booked in the jail.

### **COUNTY JUDGE'S REPORT:**

County Judge Bob Clinard reported that; 1) the Benton County West Road Facility construction is progressing on schedule to be completed in mid-April; 2) the Juvenile Justice Center is complete except for punch list items, and that the Juvenile Probation, and Juvenile Circuit Clerk's area will be moving on February 15, and the detention area will be moved February 24 thru February 27. He added that the ribbon cutting and grand opening will be March 16, 2012 from 1:30 pm to 2:30 pm; 3) the Public Services Building is complete and occupied; 4) we are continuing to coordinate and plan to move other offices into vacated space and out of leased space; 5) the new John Deere road graders have been delivered and put into service, and the three new Freightliner dump trucks are to be delivered February 5, 2012; 6) the countywide EMS study is in progress; 7) there will be a full staff and employee update meeting January 27, 2012 at 10:30 a.m. in the Quorum Court Room; 8) the Minch Springs Bridge ribbon cutting is January 27, 2012 at 8:30 a.m.; 9) we are updating the county phone system and several numbers will change, and all JPs will receive a new directory.

### **COMMITTEE REPORTS:**

JP Winscott announced that a Public Safety Committee meeting will be held Thursday, February 9, 2012 at 5:30 p.m.

JP Allen stated that the Finance Committee met on Tuesday, January 3, 2012 and that Benton County finished the year up 1.66% in sales tax. He stated that fuel for the Sheriff's office was \$16,000 over budget, and that the Road Department was over \$150,000, due to increased fuel costs. He added that the jail was originally budgeted for \$1.6 million but collected \$2,059,000. He stated that an appropriation ordinance request for \$40,000 to pay for services rendered and agreed upon in the 2012 Interlocal Agreement between Benton County and the Northwest Arkansas Regional Planning Commission (NWARP) was discussed and forwarded to the Tuesday, January 10, 2012 Committee of Thirteen agenda.

JP Sandlin stated that a Personnel Committee meeting will be called after additional information has been received.

JP Douglas stated that the Legislative Committee met with area Representatives on Monday, January 23, 2012 and went over the Legislative Packet. He reported that there was a lot of good discussion on the issues and concerns brought up for items to be considered for the 2013 Legislative Session.

He announced that the USDA Farm Service Office has proposed to close some offices in Arkansas, and that Benton County's USDA Farm Service office is one of the offices scheduled to be closed.

### **PUBLIC COMMENTS:**

Dawn Harpell of Bella Vista thanked the county for paving Longridge road, and asked if anything was going to be done to McMillan and Sunset Roads.

County Judge Bob Clinard stated that he and Mayor Anderson of Bella Vista have agreed to improve Punkin Hollow Road from Short Road to Miller Church, to Harwood and then tie into Longridge road, and that they hope the work will be done this year.

Theresa Pockrus of Benton County commented on the Vicious Animal Ordinance and asked that the court not to pass the proposed ordinance and to take a second look at the ordinance.

Pastor Roger Joslin of Bentonville commented on the inmate food in the county jail. He stated that he was speaking for those who do not have a voice, the least among us, and that the practice of serving cold meals is basically just wrong. He stated it's not about saving money; it's a matter of decency.

### **OLD BUSINESS:**

None

### **NEW BUSINESS:**

- (A) Proposed Resolution Confirming the Appointment of Leah Whitehead by the County Judge to the Benton County Historical Preservation Commission; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed resolution by title only.

JP Moore made motion to adopt, seconded by JP Carr.

There being no further discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins, Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Resolution duly adopted and assigned **No. R-2012-01.**

- (B) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2010-56 (2011 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items; Appropriating Additional Monies and Authorizing Expenditures in Various Funds and Departments to Balance Out the Year 2011; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Douglas.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,  
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-01.**

- (C) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 23, Non-Departmental/Maintenance, Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,  
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-02.**

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 66, Public Safety, Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,  
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-03.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 44, Road Department, Fund 020; Sponsor: JP. Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,  
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-04.**

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 01, EECBG Recovery Grant Fund, Fund 191; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,  
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-05.**

- (G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Appropriating Additional Monies And Authorizing Additional Expenditures in Department 23, Public Services Building, Fund 440; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,  
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-06.**

- (H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No O-2011-61 (2012 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 44, West Side Road Facility, Fund 440; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison. Hawkins,  
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-07**.

- (I) Proposed Ordinance to Address Vicious Dog Problems

County Attorney George Spence read the proposed ordinance by title only.

JP Winscott made motion to adopt, seconded by JP Curry.

County Attorney George Spence stated this ordinance was drafted from an ordinance that has been used in Rogers and has worked well in that city. He stated that the ordinance is a supplement to the county's ordinances regarding dangerous animals, and gives the sheriff's deputies something they can more readily enforce.

Lengthy discussion was held on the word "propensity" of the proposed vicious dog ordinance, dogs being euthanized, and the cost to the county.

JP Allen stated it gets down to what they have said before, that it is a matter of common sense, and that he does not see any reason why they should not go ahead and pass this tonight. County Judge Bob Clinard stated that he does not think the cost will be a factor unless there is an unexpectedly large number of cases, and that they are not talking about a whole lot of money here in relation to protecting the citizens.

There being no further discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison. Allen. K. Harrison. Hawkins,  
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

First reading passed.

**OTHER BUSINESS**

None

**ANNOUNCEMENTS**

None

**ADJOURNMENT**

There being no further business to come before the court, upon motion and second the meeting adjourned at 7:24 p.m.

Respectfully submitted,

Tena O'Brien  
County Clerk